



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

PAUL M. DAUGERDAS,
DONNA GUERIN,
DENIS FIELD, and
DAVID PARSE,

Defendants.

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S3 09 Cr. 581 (WHP)

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PRELIMINARY ORDER OF FORFEITURE
AS TO DEFENDANT DAVID PARSE

WHEREAS, on March 4, 2010, David Parse, the defendant, was charged along with co-defendants Paul Daugerdas, Donna Guerin, Denis Field, and Raymond Craig Brubaker in a 31-count third Superseding Indictment, S3 09 Cr. 581 (WHP) (the "Indictment").

WHEREAS, defendant Parse was specifically charged with conspiracy to defraud the Internal Revenue Service, to commit tax evasion and to commit mail and wire fraud, in violation of Title 18, United States Code, Section 371 (Count One), tax evasion, in violation of Title 26, United States Code, Section 7201 (Counts Twenty-One - Twenty-Three), corruptly endeavoring to obstruct and impede the due administration of the Internal Revenue laws, in violation of 26 U.S.C. § 7212(a) (Count Twenty-Four), and mail fraud, in violation of 18 U.S.C. § 1341 (Count Thirty-One);

WHEREAS, the Indictment included a forfeiture allegation providing notice that the Government is seeking, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, forfeiture of all property, real and personal, that constitutes or is

derived from proceeds traceable to the commission of the fraud offenses alleged in Counts One and Thirty-One, including the following as to defendant David Parse:

a. “At least \$180,000,000 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the conspiracy to commit the mail and wire fraud offenses contained in Count One and the mail fraud offense contained in Count Thirty-One, for which the defendants are jointly and severally liable”;

WHEREAS, on May 24, 2011, defendant Parse was found guilty of the corrupt endeavor to obstruct and impede the due administration of the Internal Revenue laws (Count Twenty of the Redacted Third Superseding Indictment), and mail fraud (Count Twenty-Five of the Redacted Third Superseding Indictment);

WHEREAS, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), and 2461, Title 21, United States Code, Section 853(p), and Federal Rule of Criminal Procedure 32.2(e)(1), the Government sought a money judgment against the defendant to recover the amount of the defendant’s crime proceeds, such money judgment being equal to the gross proceeds of the defendant’s crime, without deducting expenses;

WHEREAS, at and after trial, the Government identified and established by a preponderance of the evidence and in written submissions, proceeds of \$146,000,000 obtained from the mail fraud;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in Count Twenty-Five of the Indictment, for which defendant Parse was found guilty at trial, a money judgment in the amount of \$1,000,000 in United States currency (the “Money Judgment”) shall be entered against defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, DAVID PARSE, upon entry of this order, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. Upon execution of this Order of Forfeiture, and pursuant to Title 21, United States Code, Section 853, the Internal Revenue Service (or its designee) shall be authorized to deposit the payments on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

4. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

5. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Treasury Department (or its designee), and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2 (e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Order to

Assistant United States Attorney Sharon Cohen Levin, Chief of the Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
April 11, 2013

SO ORDERED:


HONORABLE WILLIAM H. PAULEY III
UNITED STATES DISTRICT JUDGE